

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

THOMAS R. MONTGOMERY,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	NO. CIV-20-0318-HE
	)	
DEPARTMENT OF HOMELAND	)	
SECURITY, et al.,	)	
	)	
Defendants.	)	

**ORDER**


Plaintiff, a state prisoner appearing *pro se*, filed an action seeking relief under 42 U.S.C. § 1983 and Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), claiming violations of his constitutional rights. On April 10, 2020, U.S. Magistrate Judge Suzanne Mitchell issued a Report and Recommendation recommending the denial of plaintiff's motion to proceed in forma pauperis and the dismissal without prejudice of this conditionally filed action unless plaintiff pays the full filing fee within twenty-one days from the date of any order adopting the Report and Recommendation. Plaintiff was advised of his right to object to the Report and Recommendation by May 1, 2020 and was granted an extension until June 1, 2020 to object.

Plaintiff did not object to the Report and Recommendation. Therefore, plaintiff has waived his right to appellate review of the factual and legal issues it addressed. Cassanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010). Accordingly, the court **ADOPTS** Magistrate Judge Mitchell's Report and Recommendation [Doc. #6], **DENIES** plaintiff's

motion to proceed in forma pauperis [Doc. #2], and **ORDERS** plaintiff to pay the full filing fee within **twenty-one (21) days** of the date of this Order. Plaintiff is advised that if he does not pay the full filing fee within **twenty-one (21) days** of the date of this Order, this action will be dismissed without prejudice.

**IT IS SO ORDERED.**

Dated this 9<sup>th</sup> day of June, 2020.

  
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JOE HEATON  
UNITED STATES DISTRICT JUDGE